

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Dameon Commander,	)	C.A. No. 6:09-1686-TLW-WMC
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
S.C. Department of Transportation;	)	
S.C. Department of Corrections;	)	
Jon Ozmint, Director, South Carolina	)	
Department of Corrections,	)	
	)	
Defendants.	)	
	)	

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This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge William M. Catoe, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). (Doc. # 22). In his Report, Magistrate Judge Catoe recommends that the plaintiff’s motion to dismiss pursuant to Federal Rule of Civil Procedure 41(a)(2) be granted in part. It is further recommended that the plaintiff’s federal claims should be dismissed with prejudice and any state law claims should be dismissed without prejudice. The plaintiff would then be free to file a complaint in state court should he so desire. No objections to the Report have been filed.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. No objections have been filed to the Report. In the absence of objections to the Report and Recommendation of

the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4<sup>th</sup> Cir. 1983).

A review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 68), and plaintiff's motion to dismiss pursuant to Federal Rule of Civil Procedure 41(a)(2) is **GRANTED** in part. Plaintiff's federal claims are **DISMISSED WITH PREJUDICE** and any state law claims are **DISMISSED WITHOUT PREJUDICE**. The plaintiff may file a complaint in state court should he so desire.

**IT IS SO ORDERED.**

s/ Terry L. Wooten  
TERRY L. WOOTEN  
UNITED STATES DISTRICT JUDGE

May 5, 2010  
Florence, South Carolina